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TINA POWERS
VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

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OFFICE OF PETITIONS

In re Application of :
Lin et al. :
Application No. 10/060,738 : ON PETITION
Filed: 30 January, 2002 :
Attorney's Docket No. VPI/01-101 :

This is a decision on the petition filed on 24 April, 2002, requesting that the above-identified application be accorded a filing date of 30 January, 2002, with Pages 2 and 3 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 30 January, 2002. However, on 25 February, 2002, Initial Patent Examination Division mailed a "Notice" stating, *inter alia*, that Pages 2 and 3 of the specification (description and claims) appeared to have been omitted from the application.

In response, on 24 April, 2002, Pages 2 and 3 of the specification and the present petition were filed. Petitioners argue that Pages 2 and 3 were filed with the other application papers on 30 January, 2002, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 30 January, 2002 and the above-identified application number, identifies the application by docket number and invention title, and acknowledges receipt of, *inter alia*, specification (35 pgs). Petitioners request that the application, including Pages 2 and 3 of the specification, be accorded a filing date of 30 January, 2002.

A review of the record reveals that no Pages 2 and 3 of the specification have been located among the application papers received on 30 January, 2002. However, the evidence is convincing that the application papers deposited on 30 January, 2002, included Pages 2 and 3 of the specification, which were subsequently misplaced in the Office. Therefore, the application, including Pages 2 and 3 of the specification, is entitled to a filing date of 30 January, 2002.

The "Notice" mailed on 25 February, 2002, is vacated to the extent that it stated that Pages 2 and 3 of the specification appeared to have been omitted.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application will be processed with the copy of Pages 2 and 3 supplied on 24 April, 2002, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 30 January, 2002, using the application papers filed on 30 January, 2002, and the copy of Pages 2 and 3 supplied on 24 April, 2002.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy